

<b>UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY (NEWARK)</b>	
<b>RAS Crane, LLC</b> 10700 Abbott's Bridge Road, Suite 170 Duluth, GA 30097 Telephone Number 470-321-7112 Attorneys For Secured Creditor <b>U.S. Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-16N</b>  Shauna Deluca, Esq. (SD-8248)	CASE NO.: 18-22020-SLM  CHAPTER 13  <b>Objection to Confirmation of Debtor's Chapter 13 Plan</b>
<b>In Re:</b>  <b>Henry Casanova,</b>  <b>Debtor.</b>	

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

U.S. Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-16N ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Amended Modified Chapter 13 Plan (DE # 51), and states as follows:

1. Debtor, Henry Casanova ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on June 14, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 488 Victor Street, Saddle Brook, NJ 07663, by virtue of a Mortgage recorded on July 19, 2007 in Book 16876, at Page 130 of the Public Records of Bergen County, NJ. Said Mortgage secures a Note in the amount of \$440,000.00.
3. The Debtor filed an Amended Modified Chapter 13 Plan on April 23, 2019.
4. Debtor's Plan evidences an intent to pursue a mortgage modification with Secured Creditor; however the Plan fails to provide for the total pre-petition arrearage due Secured Creditor. Recently, the Debtor was denied a loan modification due to "insufficient payment reduction", making the Debtor ineligible for a loan modification. Therefore, in

the likely event that loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

5. Pursuant to Secured Creditor's timely-filed Proof of Claim, the correct pre-petition arrearage owed to Secured Creditor is \$31,890.27, whereas the Plan proposes to pay only \$30,000.00. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$31,890.27 as the pre-petition arrearage over the life of the Plan.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

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**CERTIFICATION OF SERVICE**

1. I, Shauna Deluca, represent U.S. Bank National Association, as Trustee for Lehman XS Trust Mortgage Pass-Through Certificates, Series 2007-16N in this matter.
2. On June 21, 2019, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

June 21, 2019

RAS Crane, LLC  
Attorney for Secured Creditor  
10700 Abbott's Bridge Road, Suite 170  
Duluth, GA 30097  
Telephone Number 470-321-7112  
By: /s/ Shauna Deluca  
Shauna Deluca, Esquire  
NJ Bar Number SD-8248  
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Ronald I. LeVine 210 River Street Suite 11 Hackensack, NJ 07601	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Henry Casanova 488 Victor Street Saddle Brook, NJ 07663	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Rd Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*)